difficulties. All discussion of corporations engaged in inter-state commerce has been carefully avoided in all of the decisions.

To maintain that a state cannot say to a corporation: "You may do business here if you won't remove cases to the Federal Courts" and then allow the state to revoke or cancel the license of the corporation for this very thing and without any stipulation previously made seems more like an evasion of the question than a distinction.

The foundation of this last decision, and the only ground upon which it can be sustained, seems to be the right inherent in the state to expel any foreign corporation with or without reason.

POLITICAL CAMPAIGN CONTRIBUTIONS BY INSURANCE COMPANIES.

A question which has been of considerable public interest since the recent insurance investigation in New York arises as to the nature of an insurance company's act in making a contribution to a national campaign fund of a political party. Such act is of course *ultra vires,* but is it illegal in the absence of statutory prohibition?

In a case where the vice-president of an insurance company was sought to be convicted of larceny for participating in such an act, a decision was rendered on *habeas corpus* proceedings which held such a contribution by an insurance company illegal inasmuch as it was against public policy. *People ex rel. Perkins v. Moss, et al.,* 100 N. Y. Supp. 427. The court says: "To permit an artificial creature of the state, unless it be a corporation expressly permitted by law to engage in political matters, by the unauthorized use of its corporate funds to become an active force in a political contest, would be to sanction an infringement upon the rights of the voters who alone . . . may elect, directly or indirectly, officials in advocacy of the principles for which they contend. To encourage the unauthorized use of corporate funds to political purposes might result in the creatures of the state becoming its masters. . . . An unauthorized act of a corporation that affects public interests with such serious and far-reaching consequences is a menace to the state and contrary to pubic policy."

An opposite conclusion, however, was reached on appeal to the Appellate Division, *People v. Moss,* 99 N. Y. Supp. 138, it there being said that such act is neither *malum prohibitum* nor *malum in se;* nor even wrong ethically to the extent of implying criminality inasmuch as "the object could not have been to influence legislation favorable to the interests of the company or to prevent unfriendly legislation, because Congress has no jurisdiction over insurance corporations organized under state laws."

This later opinion in regard to this particular point is by no means satisfactory. It is undoubtedly true as is said in *Thompson on Corporations* (Volume VII, sec. 8314) that the theory that every act of a corporation in excess of its granted powers is an act in contravention of public policy, is now happily disappearing from American jurisprudence. Nevertheless there are many *ultra vires* acts of corporations which by reason of their mischievous nature or tendency are contrary to the peace and order of society and hence illegal. The argument that a contribution to a national campaign fund does not fall within that class because Congress has no jurisdiction of state insurance corporations is by no means convincing. As a conclusive answer to the grounds upon which the lower court bases its reasoning, the opinion of the Appellate Division leaves much to be desired.